

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RONALD DUDLEY,

Petitioner, : Case No. 3:11-cv-349

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael J. Newman

WARDEN, Marion Correctional
Institution,

Respondent. :

ORDER ADOPTING REPORT AND RECOMMENDATION (DOC. 21)

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael J. Newman (doc. 21), to whom this case was referred pursuant to 28 U.S.C. § 636(b) and Fed. R. Crim. P. 59, and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 59(b)(2) has expired, hereby **ADOPTS** said Report and Recommendation.

It is therefore **ORDERED** that Petitioner's motion to stay (doc. 11) is **DENIED**; Respondent's motion to dismiss (doc. 16) is **GRANTED**; Petitioner's § 2254 petition for writ of *habeas corpus* is **DISMISSED WITHOUT PREJUDICE**; and the case is **TERMINATED** on the Court's docket.

April 16, 2012

**s/THOMAS M. ROSE*

Thomas M. Rose
United States District Judge